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FILED June 28, 2012 CLERK, U.S. BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA 

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0004314617 MARC A. LEVINSON (STATE BAR NO. 57613) malevinson@orrick.com NORMAN Č. HILE (STATE BAR NO. 57299) 2 nhile@orrick.com JOHN W. KILLEEN (STATE BAR NO. 258395) 3 ikilleen@orrick.com ORRICK, HERRINGTON & SUTCLIFFE LLP 4 400 Capitol Mall, Suite 3000 Sacramento, California 95814-4497 5 (916) 447-9200 Telephone: Facsimile: 9916) 329-4900 6 Attorneys for Debtor 7 City of Stockton 8 UNITED STATES BANKRUPTCY COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 SACRAMENTO DIVISION 11 12 Case No. 2012 - 32118 In re: 13 OHS-1 CITY OF STOCKTON, CALIFORNIA, 14 Chapter 9 Debtor. 15 STATEMENT OF QUALIFICATIONS 16 UNDER SECTION 109(c) 17 **TBD** Date: **TBD** Time: 18 **TBD** Dept: Judge: TBD 19 20 The City of Stockton, California (the "City"), by and through its counsel, Orrick, 21 22 of the United States Bankruptcy Code, 1 as follows: 23 The City is a municipality, as such term is defined in Section 101(40). 1. 24 The City is specifically authorized in its capacity as a municipality to be a debtor 2. 25

Herrington & Sutcliffe LLP, hereby certifies its qualifications to be a debtor under section 109(c)

under chapter 9 by the laws of the State of California. Cal. Gov't Code § 53760. As mandated by section 53760, the City has negotiated in good faith with interested parties in a neutral evaluation

<sup>11</sup> U.S.C. §§ 101-1532 (2008) ("Bankruptcy Code"). All further statutory references are to the Bankruptcy Code unless otherwise specified.

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1	process, which process failed to resolve all pending disputes between the City and its creditors.
2	Cal. Gov't Code §§ 53760(a), 53760.3. On June 5, 2012, the City Council for the City of
3	Stockton voted to authorize the commencement and prosecution of this case, as a contingency
4	measure should the then-ongoing neutral evaluation process fail to resolve all pending disputes
5	between the City and its creditors. A true and correct copy of such resolution is attached hereto
6	as Exhibit 1.
7	3. The City is insolvent within the meaning of Section 101(32)(C).
8	4. The City desires to effect a plan to adjust its debts.
9	5. The City (a) has negotiated in good faith with creditors holding at least a majority
10	in amount of the claims of each class that the City intends to impair under a plan in its chapter 9
11	case; or, alternatively, (b) is unable to negotiate with creditors because such negotiation is
12	impracticable.
13	6. This Statement of Qualifications Under Section 109(c) is supported by a
14	Memorandum of Law and Fact to be filed under separate cover.
15	Dated: June 28, 2012 ORRICK, HERRINGTON & SUTCLIFFE LLP
16	Dated: June 28, 2012 ORRICK, HERRINGTON & SUTCLIFFE LLP
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17 18	By: /s/ Marc A. Levinson
	Marc A. Levinson Norman C. Hile
18	Marc A. Levinson
18 19	Marc A. Levinson Norman C. Hile John W. Killeen
18 19 20	Marc A. Levinson Norman C. Hile John W. Killeen Attorneys for City of Stockton, Debtor  DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A
18 19 20 21	Marc A. Levinson Norman C. Hile John W. Killeen Attorneys for City of Stockton, Debtor  DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A MUNICIPALITY
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STATEMENT OF QUALIFICATIONS